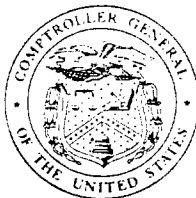


**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

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FILE:B-193896

DATE: February 14, 1979

MATTER OF: Fisk Telephone Systems, Inc.

DLG 60882

**DIGEST:**

*[Untimely Protest of Bid Rejection]*

Protest filed with GAO more than 10 working days after protester knew bases for rejection of its bid by contracting activity is untimely and is, therefore, not for consideration.

Fisk Telephone Systems, Inc., protests the rejection of its bid under Veterans Administration Hospital (New Orleans) invitation for bids No. 78-38 as nonresponsive on the purchase option portion due to the inclusion in its bid of a term which required a 10-percent payment with the placing of the order (Fisk later agreed to delete this requirement) and on the lease with option to purchase portion since it was felt that the intended Fisk bid price could not be established from the bid as submitted.

Fisk was informed of the decision to reject its bid, a decision concurred in by the contracting officer, by a December 15, 1978, letter from the Director, Veterans Administration Supply Service, and of the fact that award would have to be made to the next low bidder. On January 4 Fisk received official notification that an award had been made to another company on December 21. Fisk had received the letter of December 15 on December 22, as shown by the date of receipt that Fisk had recorded on that letter. Fisk did not protest the rejection of its bid until it did so by its letter of January 11, 1979, to our Office, which we received on January 12.

Our Bid Protest Procedures provide at 4 C.F.R. § 20.2(b)(1) (1978) that bid protests shall be filed not later than 10 working days after the basis for protest is known or should have been known, whichever is earlier. Since Fisk knew the bases for the rejection of its bid on December 22, but did not protest that rejection until

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its protest was filed with our Office on January 12, more than 10 working days after it knew the bases of the protest, we must consider the protest as untimely filed and not for our consideration.

A handwritten signature in cursive script, reading "Milton J. Socolar". The signature is written in dark ink and is positioned above the printed name and title.

Milton J. Socolar  
General Counsel